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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,995	05/18/2005	Hiroyuki Tanji	F-8616	2164
28107 7590 06/03/2009 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER CAMPOS, JR, JUAN J	
			ART UNIT 3654	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,995	Applicant(s) TANJI, HIROYUKI	
	Examiner Juan J. Campos	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "an upper portion of the guide part" (claim 1), "a lowermost portion" of guide part (claim 1), "part of inclined portions" (claim 2), "central part" (claim 2), "a base" (claim 2), "central part" (claim 3)", "lowermost position" of restrictive part (claim 3), "an upper opening edge" (claim 4), "an lower opening edge" (claim 4), "a bar" (claim 5), "the arc shape" (of the thick part) "being widest at a lowermost position" (claim 6), "rotational structure" (claim 8), and "a central part" (claim 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 2 and 6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. **Regarding claim 2**, This claim claims “an inclined part including a pair of inclined portions extending inward with an inclination toward a central part and set on said restrictive part to define a spacing there between such that a separation distance between said pair of inclined portions is greatest at a base”. In which direction is “inward” relating to here? What component is “inward” with respect to (the base, the center part, etc)? Is this claim language meant to claim that the inclined portions are extending inward with respect to the surface of the base? For this office action, prior art that shows a pair of inclined portions extending inward with respect to a member of the restrictive part (or guide part) that can be considered a base will be considered as reading onto this claim.

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5. **Regarding claim 6**, This claim claims "a thick part thicker than a remainder of the guide part and being disposed on an opening edge of said opening said thick part presenting an arc shape protruding toward a center of the opening, said arc shape being widest as a lowermost position". Is this claim language meant to claim that an arc shape of the thick part protrudes toward a center of the opening and the arc shape is being widest at a lowermost position? Or does this language mean that arc shape of the guide part is widest at a lowermost position. For this office action, prior art that is capable of having an arc with a thick part (compared to another part) will be considered as reading onto this claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Di Palma (US Patent 3,810,579).**

8. **Regarding claim 1**, Di Palma discloses an automatic sprinkling apparatus comprising a rotatable drum 306 (see figure 9), which when rotated, is operable to wind the hose 307 (see column 5 lines 21-25), and a guide part (346 and 349, see figure 12) for guiding the hose being provided on a moving path of the hose, the guide part presenting an opening (see opening of 349) having a width which

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decreases toward an upper portion of the guide part, the opening of the guide part being widest at a lowermost portion thereof, also see column 6 lines 61-65.

9. Regarding claim 2, Di Palma discloses an automatic sprinkling apparatus comprising a rotatable drum 306 (see figure 9), which when rotated, is operable to wind the hose 307 (see column 5 lines 21-25), a guide part (346 and 349, see figure 12) for guiding the hose being provided on a moving path of the hose, said guide part including a restrictive part (349) for preventing said hose from escaping extending on the guide part in a direction crossing a moving direction of the hose (see column 5 lines 21-25 and column 6 lines 61-65), the restrictive part including an inclined part (see curvature of parts of 349) including a pair of inclined portions (the left and right curvature parts of 349) extending inward with an inclination toward a central part (the top most center portion of 349) and set on the restrictive part to define a spacing there between such that a separation distance between the pair of inclined portions is greatest at a base (see bottom of opening of 349 in figure 12), an angle of inclination in the inclined part being not less than 45 degrees and less than 90 degrees (such an angle is seen at the curvature parts of 349), and the pair of inclined portions being in a fixed orientation relative to an axial positioning of the drum. The inclined portions above would have a fixed orientation to an axial positioning of the drum because the vertical positioning of the restrictive part with the inclined portions, with respect to the drum, does not change.

10. Regarding claim 3, Di Palma discloses an automatic sprinkling apparatus comprising a rotatable drum 306 (see figure 9), which when rotated, is operable to wind the hose 307 (see column 5 lines 21-25), a guide part (346 and 349, see figure 12) for guiding the hose provided on the moving path of the hose (see column 5 lines 21-25 and column 6 lines 61-65), and a restrictive part 349 for preventing the hose from escaping extending on the guide part in a direction crossing a moving direction of the hose, the restrictive part being formed in an arc shape (see figure 12), a central part (the top most center portion of 349) of which protrudes, since the restrictive part is not two-dimensional, and the arc shape being widest at a lowermost position, see figure 12.

11. Regarding claim 4, Di Palma further discloses an opening (see opening of 349) through which the hose is inserted provided in the guide part (see column 6 lines 61-65), the restrictive part 349 being set in an upper opening edge of the opening, the lower opening edge of said opening being linearly formed, see figure 12.

12. Regarding claim 5, Di Palma further discloses a frame 301 (see figure 9), the drum being supported by the frame, and the guide part comprising a bar 346 disposed on the frame, see figure 12.

13. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Paplow et al. (US Patent 6,588,444 B2).

14. Regarding claim 10, Paplow et al. (from here on just referred to as Paplow) discloses a gas tube safety reel having easy tube replacement means and method of

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replacement comprising a drum (32 and 34), a barrel portion 32 and respective collars 34 at opposite ends of the barrel portion; and a frame 12 supporting the drum for rotation of the drum relative to the frame (see figures 3-4), the frame being formed in a shape allowing accommodation of said drum (see figures 3-4), an inlet/outlet 18 for the tubing 60 (or hose) being disposed in a fixed position in said frame opposite a winding position between the two collars of the drum (see figure 5c), and the inlet/outlet 18 being of a width not greater than a distance from one of the two collars of said drum to an other of said two collars (see figure 3), such that a complete width extent of said inlet/outlet is positioned between said two collars.

15. Regarding claim 11, Paplow further shows the frame is formed in a case shape for accommodating said drum (see figures 3-4 and 9).

16. Regarding claim 12, Paplow further shows the width of said inlet/outlet becomes smaller toward an upper part (see figure 3).

17. Regarding claim 13, Paplow further shows an opening edge (no number, see figure 3) of said inlet/outlet 18 on an upper side is formed in an arc shape having a central part protruding upward.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Palma (US Patent 3,810,579) in view of Fritsch (US Patent 3,776,262).

20. Regarding claim 6, Di Palma discloses an automatic sprinkling apparatus comprising a rotatable drum rotatable drum 306 (see figure 9), which when rotated, is operable to wind the hose 307 (see column 5 lines 21-25), and a guide part (346 and 349, see figure 12) having an opening (see opening of 349) through which the hose is inserted provided on a moving path of the hose (see column 5 lines 21-25 and column 6 lines 61-65). Di Palma does not disclose the guide part comprising a thick part thicker than a remainder of the guide part and being disposed on an opening edge of said opening, the thick part presenting an arc shape protruding toward a center of the opening, and the arc shape being widest at a lowermost position. Fritsch shows that the cover (24) has a bead (29) around the rim (or guide part) of the dispensing opening (26), see column 2 lines 16-17 and figure 2. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to modify the component 349 of the guide part of Di Palma by adding a thick part 29 of Fritsch to that component so that guide part further comprises a thick part on an opening edge with the thick part, that is arc shaped, protrudes toward the center of the opening with the arc shape widest at a lowermost position, to provide rigidity and strength to the guide part. Such a thick part would be position around the opening of component 349 so that thick part is widest along the bottom of the opening, which is also the widest length of the opening.

21. Regarding claim 7, Di Palma discloses an automatic sprinkling apparatus comprising a rotatable drum rotatable drum 306 (see figure 9), which when rotated, is

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operable to wind the hose 307 (see column 5 lines 21-25), and a guide part (346 and 349, see figure 12) having an opening (see opening of 349) through which the hose is inserted provided on a moving path of the hose (see column 5 lines 21-25 and column 6 lines 61-65), an opening edge of the opening having a sectional shape formed in an arc, and the arc shape being widest at a lowermost position. Di Palma does not disclose the arc protruding toward a center of the opening. Fritsch shows that the cover (24) has a bead (29) around the rim (or guide part) of the dispensing opening (26), see column 2 lines 16-17 and figure 2. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to modify the component 349 of the guide part of Di Palma by adding a part such a bead of Fritsch so that the arc protrudes to center of the opening, in order to further confine the non-longitudinal movement of the hose.

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bantaculo (US Patent 5,560,391).

23. Regarding claim 8, Bantaculo discloses a hose handling apparatus with self-coiling capabilities comprising a rotatable drum (54, 56 and 58) and a rectangular aperture having rollers 82 (the bottom roller of the rollers 82 considered the rotational member by the examiner) on the top and bottom portions of the aperture (see figure 1), the rotational member being disposed on a moving path of hose 72. Bantaculo does not disclose that the hose is free of contact with rotational structure at a circumferential location of the hose opposite to a support location of said hose by said rotational member. At the time of the invention, it would have been obvious to a person of

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ordinary skill in this art to remove the upper rotational member (or upper roller 82) so that the hose is free of contact with rotational structure at a circumferential location of the hose opposite to a support location of the hose by the rotational member (lower roller 82), in order to reduce cost of the apparatus.

24. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paplow et al. (US Patent 6,588,444 B2).

25. Regarding claim 14, Paplow discloses a gas tube safety reel having easy tube replacement means and method of replacement as discussed above. Paplow further shows the inlet/outlet 18 is delimited by an opening edge, at least a portion of which defines an arc shape (see figure 3), and the starting point of the arc shape of the opening edge is between a center of rotation of the drum and a lowest position of the collars (see figures 3-4). Paplow does not disclose the starting point of the arc shape of the opening edge is between center of rotation of said drum and a highest position of the collars. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to reposition the opening edge of the inlet/outlet 18 above a vertical center of the drum so that the starting point of the arc shape of the opening edge is between center of rotation of the drum and a highest position of the collars, in order to use gravity to assist in the winding of the hose 60.

26. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. (US Patent 6,050,291) in view of Smith (US Patent 2,219,201).

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Whitehead et al. discloses an enclosed hose reel (see abstract). The hose reel disclosed by Whitehead et al. contains a spool (12, or drum) with a barrel portion and collars (see figure 6) onto which the hose (H) is wound or taken up, see column 3, lines 56-57.

27. Regarding claim 15, Whitehead et al. discloses a enclosed hose reel (see abstract) for winding a spool (see figure 6), but does not disclose the distance between the two flanges (18) as set between 40% and 60% of the diameter of flanges. Smith shows and teaches of a reel (or drum) with the diameter of the collars longer than the length of the barrel portion, see figure 2. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to design, as a design choice, the enclosed hose reel (of Whitehead) to have a distance between the two flanges set between 40% and 60% of the diameter of flanges. The motivation for the combination would be to follow teaching of Smith.

28. Claims 9/1-9/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Palma (US Patent 3,810,579) in view of Morse (US Design Patent D 088,666).

29. Regarding claims 9/1-9/5, Di Palma discloses the device as discussed above in regarding claims 1, 7 and 10-14. Di Palma does not disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been

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obvious to a person of ordinary skill in this art to substitute the hose of Di Palma with the hose of Morse, to have a hose that is easier to grip.

30. Claims 9/6 and 9/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palma (US Patent 3,810,579) in view of Fritsch (US Patent 3,776,262) as applied to claims 6-7 above, and further in view of Morse (US Design Patent D 088,666).

31. Regarding claims 9/6 and 9/7, Di Palma and Fritsch disclose their respective devices above. Neither Di Palma nor Fritsch disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to substitute the hose of Di Palma as modified by Fritsch above with the hose of Morse, to have a hose that is easier to grip.

32. Claim 9/8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bantaculo (US Patent 5,560,391) as applied to claim 8 above, and further in view of Morse (US Design Patent D 088,666).

33. Regarding claim 9/8, Bantaculo discloses the device as discussed above in regarding claim 8. Bantaculo a does not disclose a hose as discussed in claim 9. Morse shows a hose with rugged outer surface including convex strips and concave grooves (see figure 1). At the time of the invention, it would have been obvious to a person of

ordinary skill in this art to substitute hose of Bantaculo with the hose of Morse, to have a hose that is easier to grip.

Response to Arguments

34. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

35. Further regarding arguments of claim 15, see page 17, applicant has not proven with the current claims or arguments how the claimed structure of the invention and the function it performs are different from the prior art.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See US Patent 6,050,290.

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan J. Campos whose telephone number is (571) 270-5229. The examiner can normally be reached on 9am-6pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3654

/JJC/